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### Program from the Twenty-eighth Thomas M. Cooley Lectures

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THE UNIVERSITY OF MICHIGAN LAW SCHOOL

# The Thomas M. Cooley Lectures



*Twenty-eighth Series*

## THE BURGER COURT AND FREE EXPRESSION


ROBERT H. BORK  
*Professor of Law*  
*Yale Law School*

NORMAN DORSEN  
*Professor of Law*  
*New York University School of Law*

4:00 P.M.

FEBRUARY 5, 6, AND 7, 1979

HUTCHINS HALL, ROOM 120 — ANN ARBOR, MICHIGAN



## THE THOMAS M. COOLEY LECTURES

THOMAS M. COOLEY was one of the leading figures in nineteenth-century American law and legal scholarship. He was a member of the first law faculty at The University of Michigan, which was assembled in 1859, and was appointed Dean of the Law Department in 1871. From 1864 to 1885 judicial service as a member of the Supreme Court of Michigan was added to his academic duties. Cooley is perhaps most frequently remembered today for his remarkably influential treatises, especially his works on *Torts* and *Constitutional Limitations*. In 1887 he was appointed first Chairman of the Interstate Commerce Commission by President Grover Cleveland.

The Thomas M. Cooley Lectureship was established by the faculty of The University of Michigan Law School in order to stimulate research and to communicate its results in the form of public lectures. The Lectureship is supported by the William W. Cook Endowment for Legal Research.

### THE LECTURERS

ROBERT H. BORK received his B.A. and J.D. degrees from the University of Chicago. Following graduation from law school in 1953, he practiced law in Chicago until 1962, when he joined the faculty of the Yale Law School. From 1973 to 1977, Mr. Bork served as Solicitor General of the United States and, during 1973-74, as Acting Attorney General. He returned to Yale in 1977 as Chancellor Kent Professor of Law.

Professor Bork's principal scholarly work has been in the field of antitrust law. His frequent contributions to professional and other periodicals and his recent book, *The Antitrust Paradox*, have earned for him a reputation as one of the dominant figures in the field. During the past decade, he has increasingly turned his attention to questions of constitutional law. In his constitutional writing, as in his work in antitrust, Bork has dealt extensively with one of the enduring problems of American public law, the proper role of courts in a democracy.

NORMAN DORSEN is a graduate of Columbia College and the Harvard Law School. His first professional exposure to civil liberties came while he was an assistant to Joseph Welch in the Army-McCarthy hearings during his first year after law school. He subsequently served as a law clerk to Justice John Marshall Harlan of the U.S. Supreme Court, and then practiced law privately for two years in New York City.

Since 1961 Professor Dorsen has been a member of the faculty at New York University School of Law, where he teaches Constitutional Law and Legal Process. He has written or edited many books on a broad range of legal topics, and has taught and lectured widely. While General Counsel to the American Civil Liberties Union, he argued many cases before the U.S. Supreme Court, including those which won for juveniles the right to due process in delinquency hearings, established constitutional rights of illegitimate children, and outlawed certain kinds of discrimination against the poor in criminal proceedings. From 1973-75 he was President of the Society of American Law Teachers and at present is Chairman of the Board of Directors of the ACLU.



# THE BURGER COURT AND FREE EXPRESSION

## LECTURE I

*Monday, February 5*

ROBERT H. BORK

THE INDIVIDUAL, THE STATE, AND  
THE FIRST AMENDMENT

## LECTURE II

*Tuesday, February 6*

NORMAN DORSEN

THE BURGER COURT AND THE FIRST AMENDMENT:  
TOWARD A MAXIMUM PROTECTION THEORY

## PANEL DISCUSSION

*Wednesday, February 7*

THE LECTURERS *will be joined by:*

JOEL GORA

LEE C. BOLLINGER

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PROFESSOR BURKE SHARTEL, *The University of Michigan*
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- 1970: New Priorities in Criminal Justice  
BERNARD BOTEIN, *formerly Presiding Justice, Supreme Court of New York, Appellate Division*
- 1970: The Reform of Civil Procedure  
PROFESSOR MAURICE ROSENBERG, *Columbia Law School*  
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PROFESSOR MAURO CAPPELLETTI, *University of Florence*
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- 1974: The Future of Imprisonment  
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- 1975: Biology, Ethics and Law: Can They Help Each Other?  
PROFESSOR ROBERT S. MORISON, *Cornell University*
- 1975: The Emergence of an American Theory of Law  
PROFESSOR STANLEY M. KATZ, *University of Chicago*  
PROFESSOR MORTON J. HORWITZ, *Harvard University*  
PROFESSOR WILLIAM E. NELSON, *Yale University*
- 1977: Judicial Review and the National Political Process  
PROFESSOR JESSE H. CHOPER, *University of California, Berkeley*
- 1978: Science in the Courts  
JUDGE HAROLD LEVENTHAL, *U.S. District Court of Appeals, District of Columbia*